

*Dr Miran Marelja**
*Dr Dunja Milotić***
*Dr Marin Bonačić****

FROM POLITICAL OFFENCE TO TERRORIST ACT: THE LEAGUE OF NATIONS' LEGAL RESPONSE TO INTERNATIONAL TERRORISM AND ITS LEGACY

Abstract

This article examines the League of Nations' legal response to international terrorism during the interwar period, addressing its causes within the longer transformation of politically motivated violence from the late nineteenth century to the 1930s. Employing a legal-historical methodology, with particular attention to interwar Yugoslav doctrine and legislation, this article analyses international conventions, diplomatic practices, and legal doctrines. It argues that the League's counter-terrorism efforts emerged from unresolved tensions between the traditional protection of political offenders, the sovereign right to grant asylum, and the growing perception that cross-border political violence (especially in cases of state-sponsored terrorism) posed a direct threat to international peace. The Marseille assassination in 1934 was the decisive moment that moved terrorism from a bilateral diplomatic dispute into the League's institutional framework. This paper analyses the drafting of the 1937 Convention for the Prevention and Punishment of Terrorism, focusing on the definition of terrorist acts, the principle of non-intervention, the protection of public officials and public property, and the principle of *aut dedere aut judicare*. Although these solutions never entered into force, they anticipated many central dilemmas in modern international counter-terrorism law. The article traces their reception into contemporary international counter-terrorism law, arguing that the League's most durable legacy lies not in its best-known initiatives but in the procedural model of *aut dedere aut judicare*. ****

Keywords: League of Nations, international terrorism, political crime, *aut dedere aut judicare*, 1937 Terrorism Convention, state-sponsored terrorism, counter-terrorism law

* Miran Marelja, PhD, Assistant Professor, University of Zagreb, Faculty of Law; miran.marelja@pravo.unizg.hr; ORCID iD: <https://orcid.org/0000-0001-6930-0165>

** Dunja Milotić, PhD, Associate Professor, University of Zagreb, Faculty of Law; dunja.pastovic@pravo.unizg.hr; ORCID iD: <https://orcid.org/0000-0002-0501-2436>

*** Marin Bonačić, PhD, Associate Professor, University of Zagreb, Faculty of Law; marin.bonacic@pravo.unizg.hr; ORCID iD: <https://orcid.org/0000-0001-9951-0921>

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I. INTRODUCTION: THE HISTORICAL ROOTS OF INTERNATIONAL TERRORISM

The 1880s were marked by a growing number of terrorist attacks on public places such as restaurants, theatres, busy streets, and underground railways, and later on, famous structures like monuments and other landmarks. Motivated by various demands, the attacks were most often carried out with explosives and aimed to create a sense of insecurity and fear among the public. In response to the rise in political violence, many countries would soon amend their criminal legislation, criminalising an increasing number of politically motivated forms of terrorism, while providing harsher penalties for existing offences if they were committed for political reasons.¹ Bakunin himself noted that ‘(a revolutionary) must make a list of those who are condemned to death and expedite their sentence’,² and that this idea fell on fertile ground in anarchism. A whole series of assassinations of rulers and heads of state followed, such as the Russian Tsar Alexander II., French President Sadi Carnot, Spanish Prime Minister Antonio Cánovas del Castillo, Empress Elisabeth of Austria-Hungary, King Umberto of Italy or US President William McKinley.³ In addition, there was a long list of assassinated ministers, parliamentarians, industrialists, and other public figures, with numerous civilian casualties.

Between 1882 and 1886 alone, Spanish anarchists killed over 20 leading politicians, primarily in Andalusia and Catalonia.⁴ The frequency of terrorist attacks varied, but Ford’s conclusion is sustainable: between 1851 and 1900, there were fewer than one politically motivated attack per year on a prominent person.⁵ The beginning of the 20th century brought an expansion of violence, as ‘between 1900 and 1913 no fewer than 40 heads of state, politicians and diplomats were murdered, including four kings, six prime ministers and three presidents’, with numerous failed attempts, regularly producing heavy civilian casualties.⁶ After all, it should not be forgotten that the First World War began with a terrorist attack on Archduke Franz Ferdinand in Sarajevo.⁷

One of the most striking features of the post-war era was the sharp rise in politically motivated violence, with prominent public figures being assassinated in a set pattern. Unlike before the war, terrorism has now become a global phenomenon, spreading to South America, Africa, China, and India.⁸ Most assassinations lacked an international character; for example, extreme German nationalist circles murdered Foreign Minister Walter Rathenau in Berlin in

¹ Paul Knepper, *International Crime in the 20th Century: The League of Nations Era, 1919–1939* (Palgrave Macmillan 2011) 145.

² Mikhail Bakunin, cited in Alexander Gillespie, *A History of the Laws of War, vol 1: The Customs and Laws of War with Regards to Combatants and Captives* (Hart Publishing 2011) 70–71.

³ Olivier Hubac-Occhipinti, ‘Anarchist Terrorists of the Nineteenth Century’ in Gérard Chaliand and Arnaud Blin (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007) 117–18; Richard Jensen, ‘The United States, International Policing and the War against Anarchist Terrorism, 1900–1914’ (2001) 13(1) *Terrorism and Political Violence* 16–17.

⁴ Hubac-Occhipinti (n 3) 119.

⁵ Franklin L Ford, ‘Reflections on Political Murder: Europe in the Nineteenth and Twentieth Centuries’ in Wolfgang J Mommsen and Gerhard Hirschfeld (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982) 6–7.

⁶ Cited in Gillespie (n 2) 72.

⁷ Gillespie (n 2) 72; Gérard Chaliand and Arnaud Blin, ‘The “Golden Age” of Terrorism’ in Gérard Chaliand and Arnaud Blin (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007) 177–79; Ben Saul, ‘The Legal Response of the League of Nations to Terrorism’ (2006) 4 *Journal of International Criminal Justice* 79.

⁸ Chaliand and Blin, ‘The “Golden Age” of Terrorism’ (n 7) 175, 195.

1922, whose participation in the Paris Peace Conference was sufficient to provoke far-right outrage.⁹ This murder was no exception: between January 1919 and June 1922, approximately 376 politically motivated murders were committed, and prosecutions remained selective, with German judicial authorities predominantly pursuing left-wing defendants and leaving right-wing perpetrators largely unaccounted for.¹⁰ This comparable escalation affected numerous other countries, including Ireland.¹¹ The assassination of Unionist Henry Wilson marked the spirit of the times, as his assassins accused him of conducting terror in Ireland and demanded Irish self-determination.¹² Numerous terrorist groups justify their actions as a proportionate response to ‘state terrorism’, arguing that, because of the impossibility of achieving their political goals through legal democratic means, they are compelled to resort to violence out of necessity.¹³

A similar pattern of political violence emerged in interwar Yugoslavia, where the state’s repressive policy, particularly after the promulgation of the Obznana and Vidovdan Constitution, radicalised some of the regime’s political opponents. Immediately after the promulgation of the Vidovdan Constitution in June 1921, the communist Spasoje Stejić attempted to assassinate Regent Alexander. In July of the same year, Milorad Drašković, the Minister of the Interior, was assassinated. This killing served as a pretext for the intensified persecution of communists and mass arrests. Using a fast-track procedure, the regime passed the Law on the Protection of Public Safety and Order in the State through the National Assembly, further consolidating the repression of its political opponents. The pinnacle of political violence in interwar Yugoslavia was the assassination of Croatian deputies in the National Assembly, which further deepened the political crisis in the country.¹⁴

Terrorist attacks in the early 1920s were thus bound up with complex issues, such as the right to self-determination, raising the difficult question of whether violence constitutes a legitimate response to states illegally suppressing national, labour, or political rights.¹⁵ As nominally democratic states restricted civil liberties and slid toward autocracy, some liberal states began granting asylum to political refugees and dismissing the credibility of extradition requests, a stance that authoritarian states condemned as interference in their internal affairs.¹⁶ More problematic were cases where a state provided logistical support (documents, weapons, and other means) to assassins targeting its own exiled critics; perpetrators would subsequently return home, extradition would be refused, and trials, when held, ended in acquittals or negligible penalties.¹⁷ Even where genuine political will to prosecute existed, European states

⁹ Knepper (n 1) 140–43; Gérard Chaliand and Arnaud Blin, ‘The Invention of Modern Terror’ in Gérard Chaliand and Arnaud Blin (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007) 97.

¹⁰ Of the 22 homicides by left-wing actors only 4 went unpunished whereas of 354 right-wing homicides 326 did. Knepper (n 1) 142. See also Walter Laqueur, *A History of Terrorism* (Transaction Publishers 2002) 16; Chaliand and Blin, ‘The “Golden Age” of Terrorism’ (n 7) 176.

¹¹ Knepper (n 1) 147. See also Peter Alter, ‘Traditions of Violence in the Irish National Movement’ in Wolfgang J Mommsen and Gerhard Hirschfeld (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982) 137–39.

¹² Knepper (n 1) 147–51; Michael Laffan, ‘Violence and Terror in Twentieth-Century Ireland: IRB and IRA’ in Wolfgang J Mommsen and Gerhard Hirschfeld (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982) 161–65.

¹³ Christian Walter, ‘Defining Terrorism in National and International Law’ in Christian Walter and others (eds), *Terrorism as a Challenge for National and International Law: Security versus Liberty?* (Springer 2004) 32–33.

¹⁴ Ferdo Čulinović, *Jugoslavija između dva rata* [Yugoslavia between the Two Wars], vol 1 (Jugoslavenska akademija znanosti i umjetnosti 1961) 359–68, 524–31.

¹⁵ Chaliand and Blin, ‘The “Golden Age” of Terrorism’ (n 7) 176.

¹⁶ Saul, ‘The Legal Response’ (n 7) 79.

¹⁷ Knepper (n 1) 143–44.

faced persistent difficulty in acting effectively against terrorist organisations, as the Russian Empire's experience illustrates.¹⁸

While the League's legal response to terrorism has been studied before, notably by Saul and Knepper, this article extends the existing analysis in two directions: it introduces interwar Yugoslav doctrine and legislation. It traces the legacy of the League's conventions in contemporary international counter-terrorism law.

II. THE MARSEILLE CRISIS AND THE LEAGUE OF NATIONS' QUEST FOR A COUNTER-TERRORISM FRAMEWORK

In the 1930s, a new wave of terrorist attacks targeted prominent public figures; these included, among others, the assassinations of French President Paul Doumer in 1932, Austrian Chancellor Engelbert Dollfuss, and Romanian politicians Ion Duca and Armand Călinescu, who were executed in 1933 and 1939.¹⁹ The beginning of efforts to curb terrorism within the League of Nations is associated with the assassination of Yugoslav King Alexander by Vlado Chernozemski (Velichko Kerin) in 1934 in Marseille, after which several individuals suspected of involvement in the assassination fled to Italy.²⁰ Tensions particularly rose after the Yugoslav authorities claimed that the assassination was 'nothing but an expression of a conspiracy against the integrity and security of the Yugoslav state, organised and fostered by Hungary'. Alongside instigation, Hungary was accused of participating in the assassination by providing the necessary logistical support to the assailants.²¹

In a note addressed to the Council of the League of Nations on 22 November 1934, Belgrade highlighted the assailant's links with émigré and terrorist groups operating under the protection of Hungarian authorities, warning that such forms of international support for political violence posed a serious threat to peace and international relations. Yugoslavia's demands were also supported by Czechoslovakia and Romania, which transformed the Marseille assassination from a bilateral dispute into a matter of international security before the League of Nations. Ultimately, on 28 November 1934, the Yugoslav government submitted an extensive memorandum with evidence of Hungary's responsibility for the assassination in Marseille, covering the organisation and activities of terrorist groups on Hungarian territory, the assistance provided by Hungarian authorities to the assassins, and previous terrorist attacks against Yugoslavia.²² The memorandum, accompanied by 48 annexes, was submitted to all states represented on the League of Nations Council, and the matter was discussed from 7 to 10 December 1934. On 10 December 1934, the League of Nations recommended that Hungary accept the Yugoslav request that 'all those responsible be punished'. In January 1935, Hungary acknowledged that certain lower-ranking state officials

¹⁸ See Ford (n 5) 7; Arndt von Brocke, 'Violence and Terror in Russian Revolutionary Populism: The Narodnaya Volya, 1879–83' in Wolfgang J Mommsen and Gerhard Hirschfeld (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982) 48–60; Yves Ternon, 'Russian Terrorism' in Gérard Chaliand and Arnaud Blin (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007) 132–34, 138–59.

¹⁹ Knepper (n 1) 158; Chaliand and Blin, 'The "Golden Age" of Terrorism' (n 7) 195.

²⁰ Ferdo Čulinović, *Jugoslavija između dva rata* [Yugoslavia between the Two Wars], vol 2 (Jugoslavenska akademija znanosti i umjetnosti 1961) 65–66; Gillespie (n 2) 72.

²¹ Ondřej Ditrych, 'International Terrorism' as Conspiracy: Debating Terrorism in the League of Nations' (2013) 38(1) *Historical Social Research* 204–05; Mark A Lewis, 'International Legal Movements against War Crimes, Terrorism, and Genocide 1919–1948' (PhD thesis, University of Texas at Austin 2008) 204–05, 214–18.

²² For interventions by the Yugoslav government with the Hungarian authorities to suppress the activities of terrorist groups on Hungarian territory, and warnings about a series of assassinations committed on Yugoslav territory which preceded the Marseille assassination, see in more detail: Bogdan Krizmanić, *Ante Pavelić i ustaše* [Ante Pavelić and the Ustaše] (Globus 1978) 208–12.

had failed to supervise Yugoslav émigrés and promised to punish them and increase supervision of émigré groups. The League of Nations Assembly took note of this statement on 25 May 1935, thereby considering the question of responsibility for the Marseille assassination settled.²³

However, the closure of the bilateral dispute did not end the matter. The debate before the League had already spurred broader international efforts to curb terrorism. The League of Nations Council warned in its resolution that ‘the existing rules of international law for the suppression of terrorist acts are not currently at the level required to ensure effective international cooperation on this matter’.²⁴ Subsequently, it was decided to establish a Committee for the Suppression of Terrorism, composed of international experts tasked with drafting a convention aimed at ‘the suppression of conspiracies and crimes committed for a political or terrorist purpose’.²⁵ The French proposal for an international convention for the suppression of terrorism, which is mentioned in the resolution, established an obligation for State Parties to prevent attacks on heads of State, members of representative bodies, judges, and public officials, as well as acts directed against public property and infrastructure, such as railway networks, aircraft, and ships. In addition to the terrorist acts themselves, the proposal provided for the criminalisation of conspiracy to commit these offences, as well as the possession of weapons, ammunition, and explosives where there is an intention to use them in terrorist acts.²⁶ Additionally, it proposes strengthening cooperation among states, particularly through data exchange, to facilitate the detection of forged travel documents and prevent terrorist attacks by providing the necessary information to the concerned state. Finally, a key element of the initial draft was the relaxation of the criteria for extraditing persons accused of terrorist acts, particularly assassinations. In this regard, the member states of the League of Nations were recommended to include a special clause in their extradition treaties, whereby, if not already provided for, murder would be excluded from the category of political offences for which extradition is refused.²⁷

At its first meetings in April and May 1936, the Committee set out from the framework previously presented by France to the Secretary of the League of Nations and from the responses of other states to individual points of the French proposal, and it was to apply a similar methodology in its work at subsequent sessions.²⁸ A 1936 League of Nations Assembly resolution further emphasises that the future convention must address the problem of international terrorism, and, having learned from the example of Marseille, special attention is paid to the problem of state-sponsored terrorism, and the Committee is asked to emphasise in the draft of the future convention the duty of states not to intervene in the internal affairs of another state.²⁹ After agreement was reached on most contentious issues, the

²³ Vidan O Blagojević, ‘Jugoslovenska optužba Mađarske pred Društvom naroda’ [The Yugoslav Accusation of Hungary before the League of Nations] (1934) 22(12) Branič 761–65; Čulinović, vol 2 (n 20) 67–70.

²⁴ League of Nations Council, Resolution of 10 December 1934, reproduced in League of Nations, *International Conference Proceedings on the Repression of Terrorism* (League of Nations 1937) Annex 1, 181.

²⁵ The resolution will directly determine the membership of the Committee by naming the following states: Belgium, Chile, France, Hungary, Italy, Poland, Romania, the Soviet Union, Spain, Switzerland and the United Kingdom. The resolution instructs the Committee on the Suppression of Terrorism to draft a convention aimed at ‘the suppression of conspiracies or crimes committed for a political or terrorist purpose’. Ibid; See also Ditych (n 21) 202–03; Saul, ‘The Legal Response’ (n 7) 80.

²⁶ The French proposal for an international convention on the suppression of crimes committed for political terrorism is published in full in: Blagojević (n 23) 764–65; Knepper (n 1) 161.

²⁷ *ibid*.

²⁸ United Nations, ‘Historical Survey of the Question of International Criminal Jurisdiction: Memorandum Submitted by the Secretary-General’ UN Doc A/CN.4/7/Rev.1 (1949) 16–17.

²⁹ League of Nations, *International Conference Proceedings on the Repression of Terrorism* (League of Nations 1937) Annex 1, 181. See also Saul, ‘The Legal Response’ (n 7) 80.

Committee succeeded in drafting two conventions. An international conference was convened at the end of 1937 to adopt two interrelated conventions to combat terrorism: the Convention for the Prevention and Punishment of Terrorism³⁰ and the Convention for the Creation of an International Criminal Court.³¹ However, the Italo-Ethiopian War delayed the Convention's adoption. At the same time, the outbreak of the Second World War extinguished hopes for sufficient ratifications and entry into force.³²

III. FROM POLITICAL OFFENCE TO TERRORIST ACT: THE DOCTRINAL BACKGROUND

Before turning to the 1937 Convention, it is necessary to retrace the doctrinal development that gradually distinguished terrorist acts from the broader category of political crimes. The Institute of International Law (*L'Institut de droit international*) had already, at its 1892 meeting in Geneva, proposed distinguishing a new category of crimes from the political crimes (*délit politique*) hitherto recognised under customary and treaty law,³³ which it termed 'social crimes'. In doing so, the right to grant asylum to political refugees and the associated right of a state to refuse to extradite such a person at the request of another state are not called into question.³⁴ The Institute explicitly states that 'purely political crimes or offences' cannot be grounds for an extradition request. Protection is also provided for so-called mixed offences, which individual national legislators adopt over time. For example, under the French Extradition Act of 1927, attacks directed not against an individual or a specific authority, but against society as a whole, were excluded from the category of political offences.³⁵ The view has arisen that the protection afforded to political crimes must not extend to a new category of social crimes, which the Institute defines as 'criminal acts directed against the foundations of any social organisation (*contre les bases de toute organisation sociale*)' and does not qualify the foundations of a social organisation 'of a particular country or form of government' as

³⁰ Convention for the Prevention and Punishment of Terrorism (adopted 16 November 1937, never entered into force) (hereinafter '1937 Terrorism Convention'), reproduced in League of Nations, *International Conference Proceedings on the Repression of Terrorism* (League of Nations 1937) 5–18. The Convention was signed by Albania, Argentina, Belgium, Bulgaria, Cuba, Egypt, Ecuador, Spain, Estonia, France, Greece, Haiti, India, Monaco, Norway, the Netherlands, Peru, Romania, the Dominican Republic, Czechoslovakia, Turkey, the Soviet Union, Venezuela and Yugoslavia, while Mexico acceded to it. At the same time, it was ratified only by India in 1941, and thus the Convention did not enter into force. Reuven Young, 'Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation' (2006) 29(1) Boston College International and Comparative Law Review 25, 36.

³¹ Convention for the Creation of an International Criminal Court (adopted 16 November 1937, never entered into force), reproduced in League of Nations, *International Conference Proceedings on the Repression of Terrorism* (League of Nations 1937) 19–34. Only 13 states signed the Convention: Belgium, Bulgaria, Cuba, Greece, France, Monaco, the Netherlands, Romania, Czechoslovakia, Turkey, the Soviet Union, Spain, and Yugoslavia, none of which ratified the Convention, and it therefore never entered into force.

³² Albin Eser, 'Na putu k Međunarodnom kaznenom sudu: nastanak i temeljne crte Rimskog statuta' [On the Road to an International Criminal Court: The Genesis and Fundamental Features of the Rome Statute] (2003) 10(1) Hrvatski ljetopis za kazneno pravo i praksu 136; Thomas M Franck and Bert B Lockwood, 'Preliminary Thoughts Towards an International Convention on Terrorism' (1974) 68(1) American Journal of International Law 70.

³³ Robert Ferrari, 'Political Crime' (1920) 20(3) Columbia Law Review 308.

³⁴ Knepper (n 1) 145.

³⁵ See Arts 1, 2 and 4, Institut de Droit International, 'Révision des articles 13 et 14 des Résolutions d'Oxford (Extradition)' (Geneva, 1892) <http://justitiaetpace.org/resolutions_chrono.php?start=1892&end=1896> accessed 20 April 2026. Lassa L Deere, 'Political Offenses in the Law and Practice of Extradition' (1933) 27(2) American Journal of International Law 262.

acceptable or unacceptable.³⁶ The police forces of certain European states began cooperating in the fight against terrorism in 1893, primarily through information exchanges. By 1898, the government of the Kingdom of Italy in Rome organised an international conference for the defence of society against anarchists, attended by delegates from 21 European countries. Although the conference did not achieve significant success, a definition of social crime was agreed upon. Alongside the agreed cooperation between states, which was primarily reflected in improved information exchange to track down and punish perpetrators of terrorist acts more effectively, the question of measures necessary to prevent terrorist acts was raised for the first time.³⁷

After the assassination of US President McKinley in 1901, a new impetus was given to the fight against international terrorism, and diplomatic activity in Washington led to a new international conference in Saint Petersburg in 1904, where the Secret Protocol on the International War on Anarchism was adopted.³⁸ The Protocol marks the end of the embryonic period, as until the League of Nations, there had been no significant efforts to combat international terrorism at the global level. This phenomenon was initially addressed only in the 1930s through international conferences aimed at codifying and unifying the law, primarily by harmonising criminal law.³⁹ Consequently, the relatively vague and unstable category of social crime is discarded in favour of an effort to define the terrorist act, and subsequently the phenomenon of terrorism itself, as an umbrella term to encompass such acts. At the Third Conference for the Unification of Criminal Law held in Brussels in 1931, terrorism (in fact, a terrorist act) was defined as

the intentional use of means capable of producing common danger that represents an act of terrorism on the part of anyone making use of crimes against life, liberty and physical integrity of persons or directed against private or state property with the purpose of expressing or executing political or social ideas.

At the Fifth Conference in 1934, every person who ‘with the scope of undermining social order, employs any means whatsoever to terrorize the population’ was considered a terrorist, regardless of whether political demands were made.⁴⁰ Although political and social motives are the specific distinguishing features of political crimes alongside the element of causing fear, the motives for their commission are increasingly de-emphasised due to the impossibility of adopting a definition that would enjoy broader support. This element was entirely removed from the Sixth Conference in Copenhagen in 1935.⁴¹

³⁶ Hubac-Occhipinti (n 3) 115-16.

³⁷ Knepper (n 1) 145.

³⁸ The agreement is signed by Austria-Hungary, Bulgaria, Denmark, Germany, Romania, Russia, Serbia, Sweden, Norway, Turkey, and is subsequently joined by Spain and Portugal. Switzerland also gives its de facto assent to the provisions of the Protocol, while Luxembourg will sign a similar, but not identical, treaty with Germany and Russia. Jensen (n 3) 21.

³⁹ Saul, ‘The Legal Response’ (n 7) 85.

⁴⁰ Young (n 30) 35–36; Ben Saul, *Defining Terrorism in International Law* (OUP 2006) 170.

⁴¹ The 1935 Copenhagen definition covered intentional acts against heads of State, their spouses and successors, royalty, senior officials and members of the legislature, executive and judiciary, where such acts are connected with ‘causing a general danger or creating a state of fear’. Cited in Nabil T Ali, ‘Dynamism and the Erosion of Procedural Safeguards in International Governance of Terrorism’ (PhD thesis, Erasmus University Rotterdam 2015) 20.

IV. THE 1937 TERRORISM CONVENTION: DEFINING THE TERRORIST ACT

Following the assassination of King Alexander I and the death of his host, the French Foreign Minister Louis Barthou, the 1937 Terrorism Convention, building on the demands contained in the 1934 Assembly resolution and the 1936 League of Nations Council resolution, aimed primarily at eliminating state-sponsored terrorism. To this end, the indisputable principle of non-intervention, long recognised in legal theory as a fundamental principle of interstate relations, was ‘confirmed as a principle of international law’ by the Convention in the form of ‘the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State’.⁴² This obligation is not limited to omission, as State Parties are also required to punish and ‘prevent (such) acts’, with terrorist acts being expressly distinguished from political crimes, and thus, at first glance, from the possibility of refusing to extradite their perpetrators.⁴³ The distinction between terrorist and political crimes is clearly emphasised, given that terrorist acts are defined as ‘criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or in the general public’.⁴⁴ It is therefore notable that the political motivation for committing acts intended to induce fear is omitted, as is any definition of the phenomenon of terrorism itself, from the Convention.⁴⁵ Furthermore, while Knepper believes that the omission of the word ‘political’ from the definition of terrorist acts opens up the possibility that perpetrators of such acts who are not clearly labelled as politically motivated may be exempt from the measures provided for by the Convention, particularly concerning their extradition to the State concerned, Lewis, by contrast, maintains that it is precisely the political and social motives for committing acts that are criminalised by this definition.⁴⁶

Such a general provision concerning acts directed against the state leaves considerable latitude in interpreting them, primarily by the state concerned, which may reduce them to a determination that they violate some of its undefined interests. Since terrorist acts are aimed at instilling fear in the population or a particular group of people, one concept is tied to and explained by means of another, equally undefined concept.⁴⁷ Two noticeable tendencies were observed. On the one hand, the agreed definition allays the fear of many states participating in the conference that a too-broad definition would allow for the criminalisation of any form of struggle for political, social, and national rights in authoritarian states. On the other hand, the initial drafts of the Convention often listed the content of the clauses using an enumeration technique in a much more precise and exhaustive manner, which many states perceived as a marked infringement on their sovereignty, particularly in the context of their right to grant asylum. It seemed that the international character of terrorist acts was one of the few

⁴² See 1937 Terrorism Convention, art 1(1). On the genesis of the shaping of the principle of (religious) non-intervention through the duty to respect the provision of the Peace of Westphalia, *cujus regio, ejus religio*, see Marko Topić, Zrinka Erent-Sunko and Miran Marelja, ‘Duality of the Peace of Westphalia: International Legal Consequences of Maintaining the Equilibrium in the Holy Roman Empire’ (2023) 44(2) *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 338–46.

⁴³ 1937 Terrorism Convention, art 1(1). The desire to prevent and punish international terrorism is also mentioned in the preamble.

⁴⁴ 1937 Terrorism Convention, art 1(2). Previous international conferences on the unification of criminal law have recognised and qualified a whole series of acts as terrorist. Franck and Lockwood (n 32) 75, 77–78; Gillespie (n 2) 72; Saul, ‘The Legal Response’ (n 7) 82–98.

⁴⁵ cf the drafts of Živanović and Pella in Saul, ‘The Legal Response’ (n 7) 90.

⁴⁶ Knepper (n 1) 162; Lewis (n 21) 207.

⁴⁷ Saul, ‘The Legal Response’ (n 7) 90–91; Ali (n 41) 24.

undisputed elements of the Convention on the Prevention and Punishment of Terrorism. Hence, the proposed provisions were limited *ratione materiae* to terrorist acts involving a cross-border element, that is, acts directed against the interests of a foreign State. The assassination of King Alexander would therefore, under the Convention, be an example of an assassination which, due to the cross-border element, amounts to an act of international terrorism, given that a terrorist act directed against one state was committed in another.⁴⁸ Consequently, the Convention explicitly excludes terrorist acts lacking an international element from its scope, leaving them to the national legislation of the individual country, which was considered an appropriate solution that fully respects the sovereignty of such a country.⁴⁹ Disagreements among states arise when defining judicial jurisdiction in light of the international element involved, despite the generally accepted principle that jurisdiction lies where the act was committed. The Committee adopted the request set out in the 1936 Assembly Resolution. It required states to criminalise not only the actual commission of a terrorist act, but also its preparation against persons holding public office in foreign states. Thus, state jurisdiction was tied to the place where the act was prepared, further emphasising the state's duty to take preventive action to prevent the commission of a terrorist act.⁵⁰ The Convention also provided, in certain cases, for the jurisdiction of the proposed International Criminal Court, whose institutional design lies beyond the scope of this article. However, its more immediate concern lay in the protection of persons and property, as examined in the following section.

V. THE PROTECTION OF PERSONS AND PROPERTY FROM TERRORIST ACTS

Article 2 of the Convention on the Prevention and Punishment of Terrorism requires states to criminalise all terrorist acts directed against another state, subsequently detailing the category of persons protected by the Convention, but exclusively from the terrorist acts defined in Article 1. Therefore, if an act is committed that satisfies the criteria of Article 2 (e.g. the assassination of a head of state), the criteria of Article 1 must still be met; therefore, the Convention's provisions (were it to enter into force) would not apply if there is no international element or if the intent or expectation of causing a state of fear is absent. It also criminalises 'any willful act causing death or grievous bodily harm or loss of liberty' committed against heads of state and persons 'exercising the prerogatives of the head of the state',⁵¹ and the protection includes persons who are to succeed them, whether in accordance with the order of succession or who have been selected as such.⁵² The category of persons protected by the Convention also includes the spouses of heads of state and their successors, as well as persons who perform public functions or are employees of public services, provided that acts against them are carried out in the exercise of their official functions.⁵³ Saul offers an alternative interpretation of the provision under which the said quality of public function would be extended to a wide range of prominent individuals, such as political activists, scientists, and advocates for political and social rights, in light of their public activities.⁵⁴ In addition to assassination, the Convention further criminalises 'any willful act calculated to

⁴⁸ Knepper (n 1) 169.

⁴⁹ Saul, 'The Legal Response' (n 7) 97, 101.

⁵⁰ See 1937 Terrorism Convention, preamble; and the 1936 Assembly Resolution, source cited in n 30.

⁵¹ Saul, 'The Legal Response' (n 7) 93; Gillespie (n 2) 36.

⁵² 1937 Terrorism Convention, art 2(2)(a).

⁵³ See 1937 Terrorism Convention, art 2(2)(b)–(c).

⁵⁴ Saul, 'The Legal Response' (n 7) 93.

endanger the lives of members of the public', thereby taking into account the evolution of modern terrorism, which, to cause fear, increasingly targets random passers-by.⁵⁵ Gillespie notes that the deliberate targeting of civilians as victims of terrorist attacks may not contribute to achieving the desired social upheaval or forcing a particular state to make concessions in its domestic or foreign policy. Still, it is precisely civilian victims that will lead to the beginnings of an international response to the problem of terrorism and the first thoughts on the punishment and prevention of terrorism.⁵⁶

The Convention criminalises attacks on property, namely 'the willful destruction of, or damage to, public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party', thus showing that the Convention on the Prevention and Punishment of Terrorism does not cover the destruction of private property.⁵⁷ Notably, the precise meaning of 'destruction or damage' is not defined, being reduced merely to the harmful consequences of a terrorist act in Article 1. However, it warns that the wording of Article 2, whether concerning the protection of persons or property, the criminalisation of attempt, incitement, and participation, as well as logistical support in the commission of a terrorist act, actually regards the state itself as the addressee of the protective action of the prohibitive norm.⁵⁸ The drive for preventive action is evident in the criminalisation of 'the manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances' with the intention of committing a terrorist act in another state.⁵⁹ Consequently, it is understandable that the mere attempt to commit a terrorist act directed against persons or property, as defined by the Convention, is punishable. Article 3 criminalises conspiracy to commit terrorist acts, incitement to commit such acts, and, in particular, public incitement of terrorist acts against protected persons, including attacks against civilians and property, irrespective of whether such acts are ultimately carried out. It further criminalises voluntary participation in or knowing facilitation of the commission of the aforementioned acts.⁶⁰ Additionally, it is left to the State to adopt the measures necessary to prevent and punish perpetrators 'within the limits of its own law and administrative organisation', with the Convention neither listing these measures nor setting any mandatory standards for them.⁶¹ However, States are aware that, to prevent the commission of terrorist acts, it is necessary to strengthen the fight against the counterfeiting of travel documents and to criminalise the issuance of such documents by official personnel to persons not entitled to them with the intention of assisting in the commission of a terrorist act.⁶² In addition, the need for coordinating states' cooperation in data exchange has been recognised. To that end, states undertake to establish a national body in each state responsible for exchanging information through cooperation with their own police and judicial authorities and with other national coordination bodies in foreign states.⁶³

⁵⁵ See 1937 Terrorism Convention, art 2(3). Laqueur (n 10) 6; Young (n 30) 27–28; Chaliand and Blin, 'The "Golden Age" of Terrorism' (n 7) 95, 98–103.

⁵⁶ Gillespie (n 2) 71.

⁵⁷ See 1937 Terrorism Convention, art 2(3). Alexander Gillespie, *A History of the Laws of War, vol 2: The Customs and Laws of War with Regards to Civilians in Times of Conflict* (Hart Publishing 2011) 245–46; Walter (n 13) 27, especially fn 13.

⁵⁸ Ali (n 41) 23.

⁵⁹ See 1937 Terrorism Convention, arts 2(5) and 13. Saul argues that the aforementioned provisions, in fact, substantively broaden the number of acts that can be classified as terrorism. Saul, 'The Legal Response' (n 7) 95.

⁶⁰ 1937 Terrorism Convention, arts 2(5) and 3(1)–(5).

⁶¹ 1937 Terrorism Convention, art 12.

⁶² 1937 Terrorism Convention, art 14(1)–(2).

⁶³ The Convention specifies the scope of the matters in more detail by listing the circumstances in which certain types of information must be provided to the other interested State. See 1937 Terrorism Convention, arts 15(1)–(3) and 16.

VI. EXTRADITION, ASYLUM AND *AUT DEDERE AUT JUDICARE*

The need to distinguish between terrorist and political crimes is clearly evident in the classic Eckerman case, where considerable moral, if not political, pressure was placed on the state to grant asylum to accept and act upon the extradition request for a person suspected of a terrorist act. After being suspected of the murder of Fritz Beyer in 1924, Richard Eckerman finds refuge in Guatemala, where his defence opposes the German extradition request, arguing that Guatemala has constitutional protection against the extradition of a person accused of a political crime. This protection also extends to ordinary crimes resulting from political actions.⁶⁴ The court there will accept the claim that propaganda activity, treason, and rebellion are already commonly regarded as political crimes, whereas the cold-blooded (and deceitful) killing of a person, especially since their guilt has not been established in a judicial (or any other) proceeding, cannot fall within the category of a political crime.⁶⁵ The legislatures of liberal states began to accept, in the 1920s, the customary practice of refusing asylum to perpetrators of terrorist acts. In the absence of an international legal framework, the asylum-granting state determines what constitutes a political offence according to its own standards and defines the distinction between ordinary and political crimes.⁶⁶

Therefore, in extradition cases, the fundamental question is whether terrorist acts fall under political crimes and whether the politically motivated commission of such crimes can be sufficient grounds for a state to refuse to comply with an extradition request, even though the asylum seeker is accused of an extremely serious crime which would probably have been sanctioned had it been committed in the asylum-granting state.⁶⁷ Progressive states have (justifiably) feared that autocratic states would abuse the liberalisation of the asylum institution and use it to persecute political dissidents, especially if it is a country that, in the opinion of the country granting asylum, denies (even basic) political rights to certain categories of its nationals.⁶⁸ States sought to regulate this problematic issue among themselves through bilateral treaties, and Deere notes that around 350 (almost exclusively bilateral) extradition treaties were concluded from the mid-18th century to 1933.⁶⁹

Using the Yugoslav criminal legislation of the interwar period as an example, it is noticeable that international treaties primarily governed extradition. Simultaneously, in their absence, the provisions of §§ 486–499 of the 1929 Code of Criminal Procedure were applied subsidiarily. According to Article 20 of the 1931 Constitution of the Kingdom of Yugoslavia, as well as § 12, para. 1 of the 1929 Criminal Code, the extradition of its nationals to a foreign state was categorically prohibited, while § 12, para. 2 of the same code prohibited the extradition of foreigners for political crimes. The prohibition on extradition for political offences was also provided among the grounds for extradition in the Law on Criminal Procedure (§ 494, para. 2). However, the legislation did not contain explicit provisions on extradition in the case of mixed political offences, such as murders committed for political motives, nor for ordinary criminal offences connected with political activity (so-called *connexity*). In such cases, the question of the admissibility of extradition had to be resolved by

⁶⁴ M Cherif Bassiouni, *International Extradition: United States Law and Practice* (OUP 2014) 678–79.

⁶⁵ Knepper (n 1) 144–45. The said decision provides a clear distinction between permissible and impermissible political activity; thus, the struggle for workers', political and national rights in the form of speeches, statements, columns, protests, strikes, pamphlets, etc., constitutes permissible political activity, even if it is prohibited in the country seeking extradition.

⁶⁶ *ibid* 146, 151–52, 162; Deere (n 35) 262.

⁶⁷ Lewis (n 21) 205.

⁶⁸ Saul, 'The Legal Response' (n 7) 87. Extradition only makes sense if the perpetrator is a foreign national, since states do not contemplate extraditing their own nationals.

⁶⁹ Deere (n 35) 247–49.

interpreting the international treaties that Yugoslavia had concluded and relying on existing practice.⁷⁰ Among Yugoslav criminal law theorists of the period, one finds the view that, under the influence of the so-called assassination clause, developed in Belgian law after 1855 and gradually accepted in international practice, the murder or attempted murder of a foreign sovereign was no longer regarded as a political offence constituting an obstacle to extradition.⁷¹

The multifaceted nature of the extradition problem is highlighted after the Marseille assassination, when France, based on the 1870 Extradition Treaty, requested the extradition of the suspects from Italy.⁷² The court in Turin concluded that regicide was politically motivated and refused to comply with the French request for the extradition of the suspects, relying on the option provided in the treaty to refuse extradition in cases of political crimes.⁷³ Similarly, although later in the Committee's work, certain states welcomed the initiative of French and Yugoslav diplomatic circles to exclude terrorist acts from the protection states provide for perpetrators of political crimes, and thus from the protection of such persons through the institution of asylum, because they are terrorist acts, regardless of the motivation for their commission, directed not only against human lives but also against peaceful relations within the international community.⁷⁴ The proposal was met with strong opposition based on the classic, previously considered argument that it would deny political opponents of regimes in authoritarian countries protection from persecution.⁷⁵ Surprisingly, the ultimately proposed conventional solution is the unconditional implementation of the principle of *aut dedere aut judicare* for perpetrators of terrorist acts, whereby states cannot remove their obligation to respect this principle through domestic legislation. States will justifiably view the solution as an infringement on their sovereignty, rejecting the necessity of such an extreme measure, especially as the initial drafts of the convention, instead of a general clause defining terrorism and terrorist acts, proceeded from an enumeration of those acts, thereby taking their classification out of the hands of states.⁷⁶ Furthermore, in Article 8 of the Convention, States undertake not to refuse the extradition of persons accused of terrorist acts (as defined in Articles 2 and 3). For that purpose, the provision of the aforementioned content supplements all existing extradition treaties in force between the States Parties, and a provision of this nature must be incorporated into future extradition treaties.⁷⁷

Alongside the duty to prosecute its own nationals who have committed a terrorist act in another state, there is also a requirement to punish foreign nationals if the state refuses to extradite them at the request of another state. Three reasons are cited that allow the state to do so, primarily recognising the existence of the requested State's (extraterritorial) jurisdiction in respect of the offence committed by the foreign national, which underpins the extradition

⁷⁰ Metod Dolenc, *Teorija sudskog krivičnog postupka za Kraljevinu Jugoslaviju* [Theory of Judicial Criminal Procedure for the Kingdom of Yugoslavia] (Izdavačka knjižarnica Gece Kona 1933) 82–83; Mihail P Čubinski, *Naučni i praktični komentar Krivičnog zakonika Kraljevine Jugoslavije* [Scientific and Practical Commentary on the Criminal Code of the Kingdom of Yugoslavia] (2nd edn, Izdavačka knjižarnica Gece Kona 1934) 46–48.

⁷¹ Branislav A Milojković, 'Suzbijanje međunarodnog terorizma, ustanova krivičnog međunarodnog suda, i deoba vlasti u međunarodnom pravu' [The Suppression of International Terrorism, the Establishment of the International Criminal Court, and the Separation of Powers in International Law] (1937) 25(4) Branič 165.

⁷² Chaliand and Blin, 'The "Golden Age" of Terrorism' (n 7) 192–93.

⁷³ Hermann Mannheim, 'Some Recent Problems in the Law of Extradition' (1935) 21 Transactions of the Grotius Society 110; Saul, 'The Legal Response' (n 7) 79; Saul, *Defining Terrorism* (n 40) 170–71.

⁷⁴ Saul, 'The Legal Response' (n 7) 85.

⁷⁵ Zaryab Iqbal and Christopher Zorn, 'The Political Consequences of Assassination' (2008) 52(3) Journal of Conflict Resolution 387.

⁷⁶ See also Mannheim (n 73) 119–25.

⁷⁷ See 1937 Terrorism Convention, art 8(1)–(2).

request.⁷⁸ Certain countries, such as the United Kingdom, already have sanctions in their legislation for persons preparing to commit assassinations abroad, with the possibility of extending it to other acts of a terrorist nature, provided that it does not involve an attempt to change the government of that state.⁷⁹ Ultimately, the extradition of perpetrators of terrorist acts is effectively prevented by subjecting the extradition itself to ‘conditions and limitations recognised by the law or the practice of the country to which the application (for extradition) is made’.⁸⁰ Saul warns that the ‘conditions and limitations’ do not refer only to criminal procedure provisions, but also to the substantive definitions of political crimes as recognised by each state. In practice, this requires an overlap between the conventional and national legal frameworks: a state will refuse extradition if it does not recognise the offence for which extradition is sought, and its own nationals are explicitly exempt. State-sponsored terrorism, the primary motivation for creating the two conventions against terrorism under the auspices of the League of Nations, is left considerably outside their scope.⁸¹

VII. CONCLUSION: FROM FAILURE TO LEGACY

Political crimes in authoritarian states often arouse sympathy among the populations of democratic states, even in the assassination of rulers, the very pinnacle of political violence.⁸² Partly out of sympathy, but more out of a desire to protect their own sovereignty, these states began to grant asylum and refuse extradition for political crimes. Anarchism at the end of the nineteenth century raised the question of distinguishing terrorists from political offenders, since the new era embraced fear as a weapon and discarded any proportionality that might have spared the innocent. The acceptability of attacks on ordinary citizens prepared the ground for the first calls for international cooperation in the fight against terrorist organisations. Although the acts themselves were generally already criminalised, states were initially unwilling to assume the conventional obligations, considering their own national legislation sufficient to combat terrorism.⁸³ Only after state-sponsored terrorism was revealed as a direct threat to international peace were two conventions adopted under the auspices of the League that approached the phenomenon with surprising maturity.

However, this maturity did not translate into binding law. Some States regarded the detailed enumeration of obligations in the draft Convention as incompatible with their legislative and constitutional orders.⁸⁴ Although the principle of non-intervention was affirmed as the foundation for combating international terrorism (particularly state-sponsored terrorism),⁸⁵ States were not prepared to internationalise their right to grant asylum and refuse extradition for political offences, which ultimately prevented the Convention from coming into force. Even so, the harmonised text of both conventions reflected a genuine desire to prevent terrorist acts through international institutional cooperation and specialised coordinating bodies, the proposed International Criminal Court, a widened category of protected persons, as well as the protection of public property. This confirms the awareness

⁷⁸ See 1937 Terrorism Convention, arts 9 and 10(a)–(b); Saul, ‘The Legal Response’ (n 7) 86.

⁷⁹ Knepper (n 1) 162.

⁸⁰ See 1937 Terrorism Convention, art 8(4).

⁸¹ Saul, ‘The Legal Response’ (n 7) 86.

⁸² Iqbal and Zorn (n 75) 385.

⁸³ Saul, ‘The Legal Response’ (n 7) 82; Stephen Schafer, *The Political Criminal: The Problem of Morality and Crime* (Free Press 1974) 19.

⁸⁴ Saul, ‘The Legal Response’ (n 7) 88.

⁸⁵ cf Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(4).

within the then-international community of the necessary measures to combat terrorism, despite a lack of political will to take the final step.

It is against this failure that the question of the League's legacy must be assessed. The League's most memorable initiatives, the attempt to define terrorism and the proposal for a permanent international criminal court, left the faintest trace in binding law. The modern universal regime does not rest on the 1937 conventions but on a new normative cycle initiated by the General Assembly in 1994 and 1996.⁸⁶ Ranked by the strength of that descent, the procedural model of *aut dedere aut judicare* stands first, as it forms the backbone of sectoral counter-terrorism conventions.⁸⁷ Second is the protection of internationally protected persons, whose criminalisation of attack, preventive cooperation, and the duty to extradite or prosecute are reproduced almost verbatim in the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons.⁸⁸ The League was also the first to articulate the problem of the narrowing of the political-offence exception to extradition, which the 1997 International Convention for the Suppression of Terrorist Bombings later addressed through its depoliticisation clause.⁸⁹ The attempt to define terrorism and the proposal for a permanent international criminal court stand lowest on this scale. The International Criminal Court (ICC), established by the Rome Statute,⁹⁰ traces its lineage to the International Military Tribunal at Nuremberg and the International Law Commission rather than to the 1937 Convention for the Creation of an International Criminal Court. In addition, there is no thematic continuity since the Rome Statute contains no autonomous crime of terrorism.⁹¹ The League's first attempt to define terrorism at the international level has been declined by contemporary law, which prefers a sectoral approach.⁹² This is confirmed by the only international(ised) criminal court to have had jurisdiction over terrorism as a separate crime, the Special Tribunal for Lebanon (2009-2023), which derived its jurisdiction from domestic Lebanese law.⁹³ Therefore, it can be concluded that the League's activities, resulting in two conventions, although not a direct legal source of modern international counter-terrorism law or of the ICC, were an indispensable laboratory of legal ideas for future legal development.

Bibliography:

1. Alib NT, 'Dynamism and the Erosion of Procedural Safeguards in International Governance of Terrorism' (PhD thesis, Erasmus University Rotterdam 2015)
2. Alter P, 'Traditions of Violence in the Irish National Movement' in Mommsen WJ and Hirschfeld G (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982)
3. Bassiouni MC, *International Extradition: United States Law and Practice* (OUP 2014)

⁸⁶ UNGA Res 49/60 (9 December 1994) UN Doc A/RES/49/60, annex (Declaration on Measures to Eliminate International Terrorism); UNGA Res 51/210 (17 December 1996) UN Doc A/RES/51/210.

⁸⁷ 1937 Terrorism Convention, art 8; Saul, 'The Legal Response' (n 7) 86.

⁸⁸ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (adopted 14 December 1973, entered into force 20 February 1977) 1035 UNTS 167, arts 1–2, 4, 7.

⁸⁹ International Convention for the Suppression of Terrorist Bombings (adopted 15 December 1997, entered into force 23 May 2001) 2149 UNTS 256, art 11.

⁹⁰ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3 ('Rome Statute').

⁹¹ United Nations, 'Historical Survey' (n 28) 8–17; Rome Statute (n 92), arts 1 and 5.

⁹² 1937 Terrorism Convention, art 1(2); International Convention for the Suppression of the Financing of Terrorism (adopted 9 December 1999, entered into force 10 April 2002) 2178 UNTS 197, art 2(1)(b).

⁹³ Statute of the Special Tribunal for Lebanon, annexed to UNSC Res 1757 (30 May 2007) UN Doc S/RES/1757, art 2(a).

4. Blagojević VO, 'Jugoslovenska optužba Mađarske pred Društvom naroda' [The Yugoslav Accusation of Hungary before the League of Nations] (1934) 22(12) Branič 761
5. Chaliand G and Blin A, 'The "Golden Age" of Terrorism' in Chaliand G and Blin A (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007)
6. Chaliand G and Blin A, 'The Invention of Modern Terror' in Chaliand G and Blin A (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007)
7. Čubinski MP, *Naučni i praktični komentar Krivičnog zakonika Kraljevine Jugoslavije* [Scientific and Practical Commentary on the Criminal Code of the Kingdom of Yugoslavia] (2nd edn, Izdavačka knjižarnica Gece Kona 1934)
8. Čulinović F, *Jugoslavija između dva rata* [Yugoslavia between the Two Wars], vol 1 (Jugoslavenska akademija znanosti i umjetnosti 1961)
9. Čulinović F, *Jugoslavija između dva rata* [Yugoslavia between the Two Wars], vol 2 (Jugoslavenska akademija znanosti i umjetnosti 1961)
10. Deere LL, 'Political Offenses in the Law and Practice of Extradition' (1933) 27(2) American Journal of International Law 247
11. Ditych O, "'International Terrorism" as Conspiracy: Debating Terrorism in the League of Nations' (2013) 38(1) Historical Social Research 200
12. Dolenc M, *Teorija sudskog krivičnog postupka za Kraljevinu Jugoslaviju* [Theory of Judicial Criminal Procedure for the Kingdom of Yugoslavia] (Izdavačka knjižarnica Gece Kona 1933)
13. Eser A, 'Na putu k Međunarodnom kaznenom sudu: nastanak i temeljne crte Rimskog statuta' [On the Road to an International Criminal Court: The Genesis and Fundamental Features of the Rome Statute] (2003) 10(1) Hrvatski ljetopis za kazneno pravo i praksu 133
14. Ferrari R, 'Political Crime' (1920) 20(3) Columbia Law Review 308
15. Ford FL, 'Reflections on Political Murder: Europe in the Nineteenth and Twentieth Centuries' in Mommsen WJ and Hirschfeld G (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982)
16. Franck TM and Lockwood BB, 'Preliminary Thoughts Towards an International Convention on Terrorism' (1974) 68(1) American Journal of International Law 69
17. Gillespie A, *A History of the Laws of War, vol 1: The Customs and Laws of War with Regards to Combatants and Captives* (Hart Publishing 2011)
18. Gillespie A, *A History of the Laws of War, vol 2: The Customs and Laws of War with Regards to Civilians in Times of Conflict* (Hart Publishing 2011)
19. Hubac-Occhipinti O, 'Anarchist Terrorists of the Nineteenth Century' in Chaliand G and Blin A (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007)
20. Iqbal Z and Zorn C, 'The Political Consequences of Assassination' (2008) 52(3) Journal of Conflict Resolution 385
21. Jensen R, 'The United States, International Policing and the War against Anarchist Terrorism, 1900–1914' (2001) 13(1) Terrorism and Political Violence 15
22. Knepper P, *International Crime in the 20th Century: The League of Nations Era, 1919–1939* (Palgrave Macmillan 2011)
23. Krizmanić B, *Ante Pavelić i ustaše* [Ante Pavelić and the Ustaše] (Globus 1978)
24. Laffan M, 'Violence and Terror in Twentieth-Century Ireland: IRB and IRA' in Mommsen WJ and Hirschfeld G (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982)
25. Laqueur W, *A History of Terrorism* (Transaction Publishers 2002)
26. Lewis MA, 'International Legal Movements against War Crimes, Terrorism, and Genocide 1919–1948' (PhD thesis, University of Texas at Austin 2008)
27. Mannheim H, 'Some Recent Problems in the Law of Extradition' (1935) 21 Transactions of the Grotius Society 109
28. Milojković BA, 'Suzbijanje međunarodnog terorizma, ustanova krivičnog međunarodnog suda, i deoba vlasti u međunarodnom pravu' [The Suppression of International Terrorism, the Establishment of the International Criminal Court, and the Separation of Powers in International Law] (1937) 25(4) Branič 161
29. Saul B, *Defining Terrorism in International Law* (OUP 2006)

30. Saul B, 'The Legal Response of the League of Nations to Terrorism' (2006) 4 Journal of International Criminal Justice 78
31. Schafer S, *The Political Criminal: The Problem of Morality and Crime* (Free Press 1974)
32. Ternon Y, 'Russian Terrorism' in Chaliand G and Blin A (eds), *The History of Terrorism: From Antiquity to al Qaeda* (University of California Press 2007)
33. Topić M, Erent-Sunko Z and Marelja M, 'Duality of the Peace of Westphalia: International Legal Consequences of Maintaining the Equilibrium in the Holy Roman Empire' (2023) 44(2) Zbornik Pravnog fakulteta Sveučilišta u Rijeci 335
34. von Brocke A, 'Violence and Terror in Russian Revolutionary Populism: The Narodnaya Volya, 1879–83' in Mommsen WJ and Hirschfeld G (eds), *Social Protest, Violence and Terror in Nineteenth- and Twentieth-century Europe* (Macmillan Press 1982)
35. Walter C, 'Defining Terrorism in National and International Law' in Walter C and others (eds), *Terrorism as a Challenge for National and International Law: Security versus Liberty?* (Springer 2004)
36. Young R, 'Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation' (2006) 29(1) Boston College International and Comparative Law Review 23